



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD / CWB

08001PLW.06c

DATE: August 8, 2006
NPDES PERMIT NO.: HI S000091

PERMIT RATIONALE: **APPLICATION FOR NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
TO DISCHARGE TO THE WATERS OF THE UNITED
STATES**

PERMITTEE: **POIPU BEACH VILLAS LLC**

PROJECT: **KOLOA LANDING AT POIPU BEACH**

FACILITY/SITE ADDRESS

2641 Poipu Road
Koloa, Hawaii 96756

PERMITTEE MAILING ADDRESS

Poipu Beach Villas LLC
1245 East Brickyard Road, Suite 70
Salt Lake City, UT 84106
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PERMIT STATUS

On April 26, 2006, the Permittee submitted a General NPDES Permit application (dated May 24, 2006). The Department of Health (DOH) reviewed the application and on June 15, 2006, requested that the permittee submit additional information. The permittee submitted additional information, dated June 29, 2006, to the DOH, and also decided to seek coverage under the Individual NPDES Permit for discharges of storm water associated with construction activity from the following discharge location: Pacific Ocean, Class AA, Marine Waters, Latitude 21°52'36"N and Longitude 159°27'52"W.

The Director of Health (Director) proposes to issue a permit to discharge to the waters of the State and has included in the proposed draft permit those terms and conditions which the Director determined are necessary to carry out the provisions of the Federal Water Pollution Control Act (PL 92-500), Federal Clean Water Act of 1977 (PL 95-217) and Chapter 342D, Hawaii Revised Statutes (HRS).

SCOPE OF THE CONSTRUCTION ACTIVITY AND LOCATION OF THE PROJECT

Poipu Beach Villas LLC is proposing to construct approximately 323 dwelling units in a total of 19 condominium buildings on 24.6 acres of land located in Koloa, Kauai, Hawaii. Construction activities associated with the Project include: grading; the installation of water, sewer, drainage and electrical utilities; the installation of paved roadways; and other incidentals.

The mass grading for the proposed project will be done in three increments. Grading and grubbing activities will be kept below 10 acres for each increment.

RECEIVING WATER CLASSIFICATION

The discharge point is classified by the DOH as Class AA, Marine Waters. The objective of Class AA waters is to remain in their natural state as nearly as possible with an absolute minimum of pollution from any human-caused source.

The uses to be protected are all uses compatible with the protection of the ecosystems associated with waters of these classes. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for its class.

OCEAN DISCHARGE CRITERIA

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the Clean Water Act for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The Environmental Protection Agency (EPA) has promulgated regulations for Ocean Discharge Criteria in 40 Code of Federal Regulations Part 125, Subpart M. Therefore, the Director has determined that the discharge will not cause degradation to the marine environment. Based on current information, the Director proposes to issue a permit.

DESCRIPTION OF THE PROPOSED DISCHARGE

The Permittee requests to discharge storm water runoff from the proposed construction site and indicates in the Site-Specific Best Management Practices (BMPs) Plan that the following sediment control measures will be implemented prior to the start of construction: the installation of silt fence down slope of all disturbed areas; the installation of inlet protection devices at all area drains and drain inlets on the project site; the installation of stabilized construction entrances to reduce vehicle tracking of sediments on the adjacent roadways; the construction of sediment traps to temporarily detain runoff and allow sediment to settle out; the construction of diversion swales to direct runoff to sediment traps; the installation of gravel filter berms to help remove sediment from the runoff and to reduce the flow velocity which reduces erosion.

PERMIT CONDITIONS

The Director has considered the permit conditions to discharge storm water runoff associated with construction activity, established pursuant to the Federal Water Pollution Control Act, Federal Clean Water Act, and the HRS. The Director has determined that the discharge will not cause degradation to the receiving water environment when the Permittee complies with the conditions of the permit. Therefore, based on current information, the Director proposes to issue a permit.

PROPOSED DETERMINATIONS

Based on the “Stormwater Management for Construction Activities,” September 1992 (EPA-832-R-91-005); “Construction Best Management Practices for Sediment and Erosion Control for the County of Kauai,” April 2004; Hawaii Administrative Rules (HAR), Chapter 11-55, “Water Pollution Control,”; HAR, Chapter 11-54 “Water Quality Standards”; and the Best Professional Judgement, the following conditions shall be required in the proposed permit:

1. The General Requirements as stated in Part A of the permit which are necessary in preventing pollutants to be discharged with the storm water to the receiving State waters, in addition to the general BMPs provisions proposed in the application.
2. The Reporting Requirements as stated in Part B of the permit which informs the Permittee of submittal and reporting requirements for compliance with the permit conditions. The Permittee shall submit the following to the CWB, unless otherwise noted:
 - a. The general contractor information.
 - b. A copy of the permit, license, or equivalent written approval granted by the owner of the drainage system allowing project site storm water runoff to enter their drainage system.
 - c. A description of the method(s) for handling the concrete drum/chute wash water, hydrotesting effluent, and dewatering effluent.
 - d. A map or drawing showing the location of any construction baseyard(s) and/or staging area(s).
 - e. A map or drawing showing the areas used for the storage of soils, construction materials, or wastes and areas for the disposal of wash water from washing down of construction equipment and vehicles, concrete truck drum wash water, treated dewatering effluent, hydrotesting effluent discharge, etc.

PERMIT RATIONALE
PERMIT NO. HI S000091
Page 4

- f. The County-approved Erosion and Sediment Control Plan and/or County-approved grading permit.
- g. An updated construction schedule for major construction activities including the dates when the contractor will begin and end site disturbance; when erosion control measures will be implemented and removed; and dates when major construction activities begin and end.
- h. The Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management.
- i. The Notice of Cessation Form (CWB-NOC Form) within two (2) weeks of completion of the subject project. The purpose of the NOC Form is to notify the CWB upon termination of the discharge activities.

All related concerns and/or comments pertaining to the above listed items shall be properly addressed to the CWB's satisfaction before the start of construction activities.

- 3. The BMPs as stated in Part C of the permit which emphasizes pollution prevention measures that are applicable to the construction activities. The Special Conditions for Land Disturbances from HAR, Chapter 11-55, Appendix C, Section 11 have been cited in the permittee's application.